# REMARKS

The Office Action of March 15, 2006 has been studied in detail along with the references applied and cited by the Examiner. The pending claims should be read in conjunction with the accompanying arguments in support of patentability. Further examination and consideration of the application are respectfully requested.

## THE OFFICE ACTION

Claims 1, 4-12, 15, 16, and 18-21 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,713,681 by Venne et al. in view of U.S. Patent No. 2,782,764 by Lehman.

## REJECTIONS UNDER 35 U.S.C. §103(a)

The Examiner rejected claims 1, 4-12, 15, 16, and 18-21 under 35 U.S.C. §103(a) as being unpatentable over Venne et al. in view of Lehman. The Examiner opined that "the Venne et al. reference discloses a fluid applicator bottle comprising an elongated hollow body 20 having a longitudinal axis, a shoulder portion with a circular side wall 32 and a conical intermediate side wall 40 with a planar top (see Figure 2) and a neck 44, a central recessed portion 58, a cylindrical bottom portion 34, and a pronounced single groove forming a contact surface for the tip of a user's finger formed between linear, parallel upper and lower edges 70A and 70B and which is parallel to the longitudinal axis (see Fig. 4), but does not disclose that the central recessed portion is isosceles triangle shaped with a ridge and two flared surfaces". The Examiner then relies on Lehman to disclose an applicator wherein "the central recessed portion has an isosceles triangle shaped cross section comprising a base side 6, a first side 7, a second side 8, a ridge (corner of triangle where first and second sides meet) and two flared surfaces (other two corners of triangle) for improved gripping comfort".

Contrary to the Examiner's assertion, combining Venne et al. with Lehman would not result in the fluid applicator bottle as recited in the pending claims. More particularly, the asserted combination of references would not have a single groove in the central recessed portion extending across a base side of the generally triangular side wall section generally transverse to the longitudinal axis of the elongated hollow body. For example, independent claim 15 recites "...a single groove extending across said base side of said central recessed portion, said groove being defined by an upper edge and a lower edge, said upper and lower edges being generally linear and parallel to each other". Further, independent claim 20 recites "...a pronounced single groove extending across said base side in a direction generally transverse to said longitudinal axis, said groove forming a recessed contact surface for a tip of a user's finger".

Even if arguably, the ridges of Venne were moved so that they would be located on the new revised triangular section of Venne as the Examiner asserts, the combination of Venne et al. with Lehman would result in ridges 70A and 70B being located on opposing sides of the triangular section since they are opposite each other in Venne et al.. If one of the ridges, i.e. 70A, was on the base side of the triangular section (i.e. side 6), the other opposing ridge, i.e. 70B, would necessarily be located on the opposing side. But there is not an opposing side to the base side 6 of the Lehman triangular portion. The only element opposing base side 6 is a point, tip or apex defined by the intersection of sides 7 and 8. This apex does not provide a space for the ridge 70B. Combining Venne et al. with Lehman would not result in a ridge across a base side. Rather, combining Venne et al. with Lehman would result in the opposing ridges 70A and 70B being located on opposing sides of the shoulder 5 of Lehman, not on the triangular section 6, 7, 8 thereof.

In Venne et al., the ridges 70A and 70B are shown on the two larger sides of the upper flared surface 54 above the oval recessed central portion 36 of Venne et al. If the Venne et al. oval central portion were transformed into a triangle, as in Lehman, then the Venne et al. ridges 70A and 70B would still be present on the Venne et al. upper flared surface 54, not on the now triangular central section, and certainly not on a base side of the now triangular central section, as discussed above.

It is to be noted that in the illustrated embodiment of the claimed invention as shown in Fig. 5, the groove 81 is not located on either of the first and second upper flared surfaces 70 and 72. Rather, as recited in independent claims 1, 11, 15, and 20, the groove extends across the base side of the triangular central section. This is illustrated in Figs. 2, 3, and 5 and discussed on page 6 at lines 16-17 of the specification.

Also, Venne et al. teaches that the two groups of ridges 70A and 70B "are of graduated length starting from the upper-most of the ridges to the lower-most of the ridges. These two groups of ridges may facilitate the holding of the bottle between the thumb and index finger when the bottle is inverted to use it to apply a mark to a BINGO card. In particular, for some persons the ridges serve may as deterrent to gripping the bottle too close to the shoulder 32 portion to invert it for use, which action could result in a 'top-heavy' feeling, particularly when the bottle is completely full of ink" (column 4, lines 41-49). The ridges 70A and 70B ". . . induce those persons to grip the central recessed portion of the bottle further toward the center of the bottle when the bottle is very full, to avoid a 'top-heavy' feeling, yet permit those persons to grip the bottle on the ridges closer to the shoulder when the bottle is less full . .". As can be seen, Venne et al. specifically teaches away from the provision of a single ridge and touts the advantages of a plurality of ridges. Four such ridges 70A are shown in Fig. 4, and an equal number are contemplated for the opposite side wall 54. Thus, the Venne et al. specification further reinforces that there would not be a single groove, single finger gripping surface, or any other grooves across the base side of the Venne et al. fluid holder, as modified by Lehman, as recited in independent claims 1, 11, 15, and 20.

Consequently, independent claims 1, 11, 15, and 20, and all claims dependent therefrom, are not taught nor made obvious by Venne et al. in view of Lehman. Applicants request reconsideration and withdrawal of the §103 rejection of pending claims 1, 4-12, 15-16, and 18-21 and allowance thereof. Thus, all the pending claims are patentable over the applied combination of references, as well as the remainder of the cited art.

All formal and informal matters having been addressed, this application is in condition for allowance. Early notice to that effect is solicited.

Respectfully submitted,

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